

KUSP 88.9 FM

Pataphysical Broadcasting Foundation ☐ P.O. Box 423 ☐ Santa Cruz, California 95061 ☐ 408-476-2800/1-800-655-5877/Fax 476-2802

MAR 16 10 32 AM '94

AUDIO SERVICES
BUREAU

MM 9779

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FCC - BUREAU

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

March 15, 1994

RE: Application for new, Non-commercial, Educational FM station at San Ardo, California

Dear Mr. Caton,

Please find an original and two (2) copies of FCC Form 340, application for construction permit for a new, non-commercial educational FM station to be located at San Ardo, California.

The applicant proposes to establish this station as a satellite repeater for KUSP, Santa Cruz, California (BLED-930524KB). As such, the applicant is requesting a waiver of Section 73.1125 of the FCC rules. The waiver request is attached to this application.

As the applicant is a non-profit corporation, and this application is for a non-commercial, educational station, no filing fee is required.

If you have any questions concerning this application, please contact us at the address listed.

Sincerely,



Peter Troxell
Station Manager

enc: (3)FCC340 w/exhibits

RECEIVED
MAR 16 1994
FM EXAMINERS

APPLICATION FOR CONSTRUCTION PERMIT FOR
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION
(Carefully read instructions before filing form) Return only form to FCC

MM 97-79
For Commission Use Only
BRED-940316 MB

File No.

Section I - GENERAL INFORMATION

1. Name of Applicant 'Pataphysical Broadcasting Foundation, Inc.			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box P.O. 423			Name		
City Santa Cruz	State CA	ZIP Code 95061	Street Address or P.O. Box		
Telephone No. (Include Area Code) (408) 476-2800			City	State	ZIP Code
			Telephone No. (Include Area Code)		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 219	(b) Principal Community	City San Ardo	State CA
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(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ AMENDMENT to pending application; application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:	Call letters	Community of License	
		City	State

ORIGINAL

Section II - LEGAL QUALIFICATIONS

Name of Applicant

'Pataphysical Broadcasting Foundation, Inc.

1. Applicant is: (Check one box below)

- ☐ (a) governmental or public educational agency, board or institution
- ☐ (b) private nonprofit educational institution
- ☒ (c) Other (specify) Non-Profit Corporation

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.

1A

3. For applicants 1(c) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served. N/A

Exhibit No.

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.

1B

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

☐ Yes ☒ No

If Yes, provide particulars in an Exhibit.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c) in the case of adjudicated proceedings, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) a description of the current status or disposition of the previously reported matter.

Exhibit No.

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificates or other ownership interests, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (d)
		YES	NO	
		(c)		
SEE ATTACHED LIST OF PARTIES TO APPLICATION FOR LIST OF THE BOARD OF DIRECTORS				

Section II - LEGAL QUALIFICATIONS (Page 3)

9. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

☐ Yes ☒ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

10. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.

1C

- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

SECTION III - FINANCIAL QUALIFICATIONS

Note: If this application is for a change in an operating facility, DO NOT fill out this Section.

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☒ Yes ☐ No

2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☒ No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2, you must advise the F.C.C. when the funds are committed or appropriated. This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without additional funds. ☐ Yes ☐ No

SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
2

NOTE: No program service statement need be filed where the proposed station's programming would be wholly "instructional" as that type of programming is defined in the Instructions to this Section.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

SECTION VII - CERTIFICATION

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. 1.2002(b).

☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

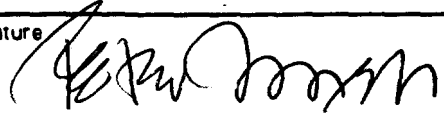
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Pataphysical Broadcasting Foundation, Inc.	Title STATION MANAGER
Signature 	Date March 15, 1994

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 78 to 302 hours 20 minutes with an average of 171 hours 36 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Parties to Application
Board of Directors, 'Pataphysical Broadcasting Foundation, Inc.

<u>Name and Residence Addresses</u>	<u>Office Held</u>	<u>Director/Member</u>	<u>%of Ownership</u>
Jane Lorn Wade 508 Wilkes Circle Santa Cruz, CA 95060	President	Yes	0%
Michael Tanner 215 Linden Santa Cruz, CA 95062	Vice-President	Yes	0%
Howard Feldstein P.O. Box 194 Boulder Creek, CA 95006	Treasurer	Yes	0%
Leigh Hill 332B Trescony St. Santa Cruz, CA 95060	Secretary	Yes	0%
Bill Belton 5340 Glen Haven Road Soquel, CA 95073	Member	Yes	0%
Mark Bernhard 3731 Paul Sweet Road Santa Cruz, CA 95065	Member	Yes	0%
Barbara Denny 138 Alta Avenue Santa Cruz, CA 95060	Member	Yes	0%
Paul Hostetter 2550 Smith Grade Santa Cruz, CA 95060	Member	Yes	0%
Dave Rigler 622 Western Drive Santa Cruz, CA 95060	Member	Yes	0%
Gail Thornton 120 Fairmount Avenue Santa Cruz, CA 95062	Member	Yes	0%
Peter Troxell 1000 Alba Road Ben Lomond, CA 95005	Member	Yes	0%
Rich Wills P.O. Box 579 Capitola, CA 95010	Member	Yes	0%

EXHIBIT 1A
'Pataphysical Broadcasting Foundation, Inc.

Nature and Educational Purposes of the applicant

The 'Pataphysical Broadcasting Foundation, Incorporated is licensee of Non-Commercial educational station KUSP, Santa Cruz, California, and also three translators (K212AA, Los Gatos - K216CL, Palo Colorado Canyon - K219BD, Big Sur, California). 'Pataphysical also holds a construction permit for booster station KUSP-1, San Juan Bautista, California. For the past 22 years, 'Pataphysical has provided a non-commercial, educational broadcast service to residents of the central coast of California, via its broadcast facilities.

The 'Pataphysical Broadcasting Foundation was formed in 1971 for the express purpose of providing a broadcast service that would enlighten and further educate the general public in matters of civics, the arts and diverse musical expression.

The original intention of 'Pataphysical remains the same; to provide, via non-commercial radio, an educational and culturally enlightening service to the general public; to bring a variety of musical forms and the voices of educators and lecturers from around the world to the ears of persons that might not otherwise be exposed to them. This free flow of ideas and expressions are at the heart of the 'Pataphysical mission, and will continue to be pursued to the benefit of all that can hear it.

EXHIBIT 1B

Educational Program Statement

'Pataphysical Broadcasting Foundation, Inc. has provided an educational, non-commercial broadcast service to residents of the central coast of California for over two decades. As stated in Exhibit 2, the applicant proposes to operate the new facility as a satellite for KUSP, Santa Cruz, CA. (BLED-930524KB). For nearly 22 years, KUSP has broadcast programming that has included a vast variety of music from around the world, countless lectures and speeches by noted educators and persons of influence, News and public affairs from local and national sources, as well as providing a forum for diverse views from the numerous educational institutions located both locally (at the University of California, Santa Cruz) and nationwide.

It is the applicant's intention to continue and expand this service with the addition of this new facility.

EXHIBIT 1C
Broadcast Facilities owned or applied for
by
'Pataphysical Broadcasting Foundation, Inc.

Licensed	KUSP Santa Cruz, California	Ch. 205B	BLED-930524KB
Licensed	K209AR Palo Colorado Canyon, CA.	Ch.209D	BLFT-880405TC
Licensed	K219BD Big Sur, CA.	Ch. 219D	BLFT-880201TB
Licensed	K212AA Los Gatos, CA.	Ch.212D	BLFT-820125IN
Construction Permit	KUSP-1 San Juan Bautista, CA	Ch.205D	BPFT-930111TF
Construction Permit	K216CL Palo Colorado Canyon, CA	Ch. 216D	BPFT-930111TK
Construction Permit	K219BD Big Sur, CA.	Ch. 219D	BPFT-930111TJ
Application	K206** Santa Cruz, CA	Ch. 206D	Pending

EXHIBIT 2

Program Service Statement

The applicant proposes to program the new station , at least initially, as a satellite operation for KUSP, Santa Cruz (BLED-930524KB). A copy of the most recent KUSP program guide is attached as a part of this exhibit.

As elaborated in the request for waiver of Section 73.1125, the applicant will assess and enhance the existing broadcast service of KUSP to further serve the needs of the population within the proposed coverage area. The enhanced programming of KUSP will specifically address these assessed needs, and the applicant will conduct surveys in the proposed service area to identify current and future needs and issues.

P R O G R A M G U I D E

MONDAY • TUESDAY • WEDNESDAY • THURSDAY • FRIDAY • SATURDAY • SUNDAY

5am	<div>Morning Edition/NPR News</div> <div>From National Public Radio with California News</div> <div>—with local host JOHNNY SIMMONS</div>					Musical Mix					
6						<div>Weekend Edition/NPR</div> <div>Local Hosts: JIM SWANSON & HEATHER GRAY</div>	Gospel MICHAEL TANNER				
7							<div>Weekend Edition/NPR</div> <div>Local Host: MARTIN LAWRENCE</div>				
8						<div>Classical</div> <div>PHIL COLLINS KENNY HILL GAIL RICH LUCIANA LOMBARDI DALE OWEN</div>					<div>Children's</div> <div>JOANN KING</div>
9	<div>Celtic</div> <div>CINDY ODOM</div>										
10	<div>Midwestern</div> <div>ERIC SCHUECK</div>	<div>LIVING ON EARTH</div> <div>THIS WAY OUT</div>	<div>STATE OF THE ARTS</div> <div>PETER TROXELL</div>	<div>PRIME TIME</div> <div>SENIOR COLLECTIVE</div>	<div>TOP STORY/LEADING USA</div> <div>CARRIE KANE</div>						<div>Old Time & Bluegrass</div> <div>BOB WOODWARD & LARRY HALL</div>
11	<div>Folk & Ethnic</div> <div>VARIOUS HOSTS CINDY ODOM & MICHAEL BRYANT JEFF GREEF & CRAIG MERIWETHER NICHOLAS MITCHELL JEFF GRUBB & OTHERS</div>					<div>Blues</div> <div>CHARLIE LANGE</div>					
12 pm	<div>Jazz Mix</div> <div>ERIC SCHUECK & OTHERS VARIOUS HOSTS BOBBY BISHOP BOB RENDECK BERT TILSON</div>					<div>American Radio Company</div> <div>GARRISON KEILLOR/APR</div>	<div>Black & Blue</div> <div>GERRAL JOSEPH & JIMMYE</div>				
1						<div>All Things Considered/NPR</div> <div>From National Public Radio with California News—with local host CARRIE KAHN</div>					<div>Weekend All Things Considered /NPR</div>
2	<div>Blues</div> <div>CHARLIE LANGE, WILL GORMAN, SCOTT COOPER, RALPH PARKER</div>	<div>Musical Mix</div> <div>DIANA MOLL & GEO VARNER BRUCE LARSEN NATE MACKAY</div>			<div>African</div> <div>MICHAEL KANNER & BRENDA BRYANT</div>	<div>Blues</div> <div>MR. EARL</div>	<div>Car Talk</div> <div>TOM & RAY MAGLIOZZI</div>				
3						<div>Rock</div>	<div>Blues</div> <div>CHARLIE LANGE</div>	<div>Car Talk</div> <div>TOM & RAY MAGLIOZZI</div>			
4	<div>African</div> <div>MARK DONOVAN</div>	<div>THE POETRY SHOW</div> <div>M. MARCUS & J. STROUD</div>	<div>SELECTED SHORTS</div>	<div>STORYLINE</div> <div>MARK DONOVAN</div>	<div>Reggae</div> <div>LANCE LINDEN</div>	<div>Punk/Blues</div> <div>JEFF THOMPSON</div>	<div>Sunday Night Special</div>				
5	<div>Caribbean</div> <div>THEO DUNHAM</div>	<div>Jazz</div> <div>LARRY BLOOD WELSH & FELDER THE FLAMER</div>									
6	<div>Blues</div> <div>CHARLIE LANGE</div>	<div>Comedy</div> <div>JOHN JAMES</div>	<div>Jazz</div> <div>WELSH & FELDER</div>	<div>Blues</div> <div>VARIOUS HOSTS</div>	<div>Soul/Funk</div> <div>CORY PLACHY</div>	<div>Spoken Word</div> <div>SCOTT MADDOX</div>					
7											
8											
9	<div>Musical Mix</div> <div>CORY PLACHY</div>	<div>Musical Mix</div> <div>INGRID</div>			<div>Musical Mix</div> <div>MICHAEL TANNER & OTHERS</div>	<div>Musical Mix</div> <div>MATT PIERCE & STAN VERKLER</div>					
10											
11											
12 mid											
1											
2											
3											
4											
5am											

KUSP 88.9 FM

P.O. Box 423, Santa Cruz CA 95061

TIME VALUE MAIL

Non-Profit Org.
U.S. Postage
PAID
Permit # 139
Santa Cruz, CA

Request for Waiver of Section 73.1125

'Pataphysical Broadcasting Foundation, Incorporated respectfully requests a waiver of section 73.1125 (Station Main Studio Location) for the proposed station requested by this application. 'Pataphysical proposes to operate this station initially as a satellite repeater of KUSP, Santa Cruz, California (BLED-930524KB).

San Ardo, and south Monterey County in general, is sparsely populated, and rural in nature. There is no public radio service currently available to the nearly 20,000 residents within the proposed 60 dBu contour, and the applicant believes that the region, at present, would have difficulty supporting an independent non-commercial educational station.

'Pataphysical proposes to serve this area with programming provided from KUSP in Santa Cruz. KUSP transmits from Mt. Toro, near Salinas, at the north end of Monterey County, and serves a large area of Monterey County already. Because of natural terrain features and distance, the southern portion of Monterey County has been beyond the reach of Public Radio and KUSP in particular. However, KUSP regularly broadcasts information and features that address the issues and needs of Monterey County citizens, and the addition of the proposed San Ardo station would be a natural extension of the existing services already provided to the northern portion of the county.

Using the numerous resources that KUSP has, including a multi-track remote recording and broadcast unit, remote broadcasts from the various cultural events in the south county region will become a regular feature of the enhanced programming. KUSP will establish a south Monterey County News gathering group, which will assist the News department at KUSP to report on issues and events that might not otherwise be available to the area population.

KUSP has a toll free telephone service already established for Monterey County citizens. KUSP will also add citizens from the San Ardo-south County area to its community advisory board to assist in addressing community needs and issues of local importance. This, along with increased news gathering from the region and features created for San Ardo and south Monterey County will help to bring a useful and needed resource to this unserved population.

Site Availability Certification

'Pataphysical Broadcasting Foundation, Inc. hereby certifies that it has reasonable assurance in good faith that the site or structure proposed in item 2, section V-B, FCC form 340, as the location of it's transmitting antenna, will be available to the applicant for the intended purposes stated herein.

'Pataphysical Broadcasting Foundation, Inc. has no ownership interest in the proposed site and structure, the applicant certifies that it has obtained reasonable assurance from the owner possessing control of the site and structure.

The owner of the proposed site is the King City Communications Corporation. The authorized representative for King City Communications Corporation is: Bill Gittler; His telephone number is: (408) 385-5421;

Signature of Applicant:_____

Date:_____

**BROADCAST EQUAL EMPLOYMENT OPPORTUNITY
MODEL PROGRAM REPORT**

1. APPLICANT

Name of Applicant 'Pataphysical Broadcasting Foundation, Inc.	Address 203 P 8th Avenue P.O. Box 423 Santa Cruz, CA 95061
Telephone Number (include area code) (408) 476-2800	

2. This form is being submitted in conjunction with:

- ☒ Application for Construction Permit for New Station ☐ Application for Assignment of License
- ☐ Application for Transfer of Control
- (a) Call letters (or channel number of frequency) **KUSP-FM**
- (b) Community of License (city and state) **Santa Cruz, CA**
- (c) Service: ☐ AM ☒ FM ☐ TV ☐ Other (Specify) _____

INSTRUCTIONS

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin and sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

Guidelines for a Model EEO Program and a Model EEO Program are attached.

NOTE: Check appropriate box, sign the certification below and return to FCC:

- ☐ Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.
- ☒ Station will employ 5 or more full-time employees. Our Model EEO Program is attached. (You must complete all sections of this form)

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 15th day of March, 19 94

Signed

Title

Station Manager

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. RECRUITMENT

The applicant should specify the recruitment sources and other techniques it proposes to use to attract qualified minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of qualified minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist in its effort to increase the available pool of qualified minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. GENERAL POLICY

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. RESPONSIBILITY FOR IMPLEMENTATION

(Name/Title) Peter Troxell, Station Manager will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to the recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

- ☒ The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☒ Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☐ We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.
- ☐ Other (specify)

IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration whenever job vacancies occur, we propose to utilize the following recruitment procedures:

- ☒ We will contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of organizations we intend to contact are:

League of Women Voters
Y W C A
UCSC Women's Center
National Organization of Women

- ☒ In addition to the organizations noted above, which specialize in minority and women candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

State of California, Employment Development Department

- ☒ When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with minority and women enrollments. Educational institutions to be contacted for recruitment purposes are:

Monterey Peninsula College
University of California Santa Cruz
Cabrillo College
Hartnell College, Salinas

- ☒ When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:

Register Pajaronian, Watsonville
Santa Cruz County Sentinel
Mercury News, San Jose
Monterey Herald
Salinas Californian

- ☒ We will encourage employees to refer qualified minority and women candidates for existing and future job openings.

V. TRAINING

- ☐ Station resources and/or needs will be such that we will be unable or do not choose to institute programs for upgrading the skills of employees.
- ☐ We will provide on-the-job training to upgrade the skills of employees.
- ☐ We will provide assistance to students, schools, or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

Proposed Form of Assistance

☒ Other (specify)

As a volunteer organization the station is in an on-going process of training new volunteers in the business of broadcasting.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Paperwork Reduction Act. Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0120), Washington, D.C. 20503.

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the application requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

MM 97-79

ENGINEERING STATEMENT

on behalf of

'Pataphysical Broadcasting Foundation, Incorporated
New Proposed Non-Commercial Educational Station
Ch. 219B 91.7 mhz. 2.7 kW Vertical Polarization 542.7 Meters HAAT
San Ardo, California

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Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

'Pataphysical Broadcasting Foundation, Inc.

Call letters (if issued)

N/A

Is this application being filed in response to a window?

☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
219	City San Ardo	County Monterey	State CA

Class (check only one box below)

☐ A ☐ B1 ☒ B ☐ C3
☐ C2 ☐ C1 ☐ C ☐ D

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

Williams Hill, 4.5 KM NE (43 degrees true) of intersection of Williams Canyon Road and Jolon Road (County G18), San Ardo, Monterey, California

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array.

Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	35	57	06	Longitude	121	00	03
----------	----	----	----	-----------	-----	----	----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?

☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

KRKC-FM BLH-890203KC

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

No Changes proposed

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	0	'	"	Longitude	0	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>San Ardo Landing Strip</u>	<u>10</u>	<u>40 degrees</u>
(b) _____	_____	_____

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 852 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 52 meters(3) of the top of supporting structure above mean sea level $[(aX1) + (aX2)]$ 904 meters

(b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground _____ meters (H)

37 meters (V)(2) above mean sea level $[(aX1) + (bX1)]$ _____ meters (H)889 meters (V)

(3) above average terrain _____ meters (H)

542.7 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
Figure 1

9. Effective Radiated Power:

(a) ERP in the horizontal plane

0 kw (H*) 2.7 kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

_____ kw (H*) N/A kw (V*)

#Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

☐ Yes ☒ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Applicant is requesting waiver of 73.1125 - See attachment

Exhibit No.

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(d) and 73.318.)* See Engineering Statement

Exhibit No.

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
Figure 9

14. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
Figure 3

(a) the proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and

(c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 5,240 sq. km.

Population 19,905

16. Attach as an Exhibit a map *(Sectional Aeronautical charts where obtainable)* showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.

Does Not Apply

Enter the following from Exhibit above:

Gain Area 2023 sq. mi.

Loss Area 0 sq. mi.

Percent change (gain area plus loss area as percentage of present area) 100 %.

If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

17. For an application involving an auxiliary facility only, attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

N/A

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675. (File No. _____)

18. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313).

Source of terrain data: (check only one box below)

☒ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: N.G.D.C.)

☐ Other (briefly summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	595.0	54.1
45	619.4	55.0
90	567.6	53.0
135	582.4	53.6
180	572.5	53.2
225	541.7	51.7
270	568.2	53.0
315	294.5	38.6

Allocation Studies

(See Subpart C of 47 C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.

N/A